

ORIGINAL

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

FILED

JUL 10 2013

CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_  
Deputy *[Signature]*

CHRISTIAN A. KEITH,

Plaintiff,

v.

SHERIFF JOHNNY BROWN, et al.,

Defendants.

Civil Action No. 3:12-CV-2673-N (BF)

**ORDER**

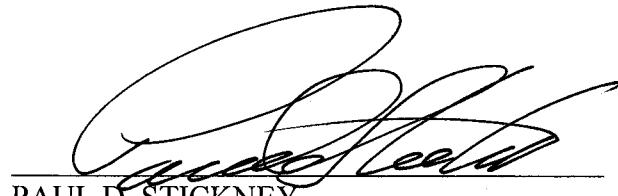
The District Court referred this case to the United States Magistrate Judge Paul D. Stickney for pretrial management. Before the Court is Defendants Sheriff Johnny Brown, Captain Terry Ogden, Lt. Roy Callender (incorrectly spelled as “Callendar” in Plaintiff’s original complaint), and Lt. Tommie Eberhart’s (collectively referred to as “Defendants”) Rule 12(b)(1) and 12(b)(6) Motion to Dismiss and Supporting Brief (doc. 16, “Motion to Dismiss”), filed on October 12, 2012. On May 2, 2013, this Court entered findings recommending the District Court grant the Motion to Dismiss and dismiss the case pursuant to Federal Rule of Civil Procedure 12(b)(1) (doc. 28). However, subsequent to the Court’s recommendation to dismiss, Plaintiff requested, and was granted, leave to amend his complaint by the District Court (doc. 33). Accordingly, Plaintiff filed an Amended Complaint on July 10, 2013 (doc. 34), which is now the live pleading in the case. Because the Amended Complaint appears to rectify the jurisdictional issues addressed in this Court’s previous findings, the Court hereby **VACATES** its findings from May 2, 2013.

**IT IS HEREBY ORDERED** that this Court’s May 2, 2013 findings (doc. 28) are **VACATED** and Defendants’ Motion to Dismiss (doc. 16) is **DENIED** as **MOOT**, as Plaintiff has filed an Amended Complaint and Defendants have filed a motion to dismiss which addresses the

Amended Complaint.

**IT IS FURTHER ORDERED** that the deadlines set in this Court's Pretrial Scheduling Order (doc. 19) are hereby **STAYED** pending a ruling on Defendants' second motion to dismiss.

**SO ORDERED**, July 30 2013.



PAUL D. STICKNEY  
UNITED STATES MAGISTRATE JUDGE